

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FRANK STEFFENSEN,

Petitioner,

Civil No. 04-1709-CO
Lead Case

v.

CHARLES DANIELS,

Civil No. 04-1787
Consolidated

Respondent.

FINDINGS AND
RECOMMENDATION

COONEY, Magistrate Judge.

Petitioner filed two writs for habeas corpus relief under 28 U.S.C. § 2241 alleging that the BOP is wrongfully denying him placement in a Community Corrections Center, six months prior to his release date, as allowed under 18 U.S.C. §§ 3624(c) and 3621(b); and that the BOP is improperly calculating the Good Conduct Time credits to which he may be entitled. This court consolidated the cases by order entered

January 7, 2005.

Respondent's Response to Petition (#11) indicated that petitioner's projected release date was April 25, 2005. If petitioner has been released, his claims in this proceeding are moot.

By Order (#14) entered June 16, 2005, petitioner was allowed 14 days to notify the court whether or not he has been released from incarceration and if so to show cause why his § 2241 petitions should not be denied on the grounds that petitioner's claims are moot.

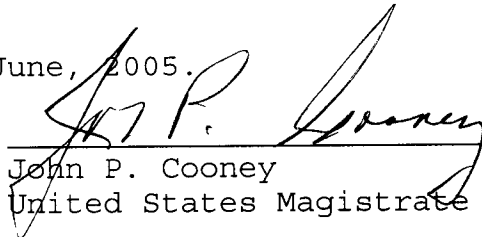
Petitioner was advised that failure to respond to the court's order in this regard will result in the dismissal of this proceeding for failure to prosecute.

The court's Order to Show Cause (#14) was returned to the court as "undeliverable." Accordingly, petitioner's Petition should be denied as moot and this proceeding should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written

objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 30 day of June, 2005.



John P. Cooney
United States Magistrate Judge